

REMARKS/ARGUMENTS

Applicants very much appreciate the indication of allowable subject matter herein. The claims have been placed in condition for allowance.

With regard to the double patenting rejections, a Terminal Disclaimer is attached hereto over applications 10/999,027 and 11/313,815, and U.S. 7,203,003. While applicant does not agree with the double patenting rejections, the Terminal Disclaimer has been filed in order to remove the rejections. *Quad Envtl. Techs. Corp. v. Union Sanitary Dist.*, 20 USPQ2d 1392 (Fed. Cir. 1991); *Amgen Inc. v. Hoechst Marion Roussel Inc.*, 57 USPQ2d 1449 (D. Mass. 2001). Applicants note that in application 11/353,168 a supplementary amendment was filed changing the claims (Claims 42-63 are now pending) such that Nd is not a required element. With regard to application 10/844,345, the claims in that case are directed to a sputtering target and a method for making a sputtering target. Such claims are distinct from those pending here, directed to an optical information recording medium, even in view of Nee '603. See for example the December 15, 2005, Restriction Requirement issued in the present case where original sputtering target claims 13-18 were held by the Office to be patentably distinct from silver base alloy thin film claims 1-12 and 19-35.

Accordingly, this application is now in condition for allowance, and early notification thereof is earnestly solicited.

Respectfully submitted,

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